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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,227	JAMES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Boris Benenson	2836	

**-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/15/2006.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Detailed Actions***

1. Amendment received on 3/15/2006 is entered.  
Specification is amended.  
Corrected Drawings (Figs. 1,3, and 4) are entered.  
Objection to the Drawings is withdrawn.  
Claim 11 is amended.  
Claims 1-23 are pending in the Application.

***Response to the arguments***

2. Applicants argue that removal of limitation "positioning said first and second end faces during said forming steps so as to be spaced" and editing the language of Claim 11, eliminates previously indicated rejection of Claims 11-22. The argument is convincing. Rejection of Claims 11-22 under 35 U.S.C. 112, second paragraph is withdrawn.

3. Applicants argue that not Karnes no Wessing teaching or suggesting the air gap, wherein the "gap length being of a size that maximizes spark gap life over repeated discharge cycles without introducing undesirable amounts of capacitance". Karnes indicates that the ground trace 28 may include points or teeth to encourage arcing to the ground trace and therefore arching

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would degrade the air gap very quickly in these locations, which is contrary to Applicants' concept of spreading the arching along the length of the air gap to maximize spark gap life. The argument is convincing.

***Allowable Subject Matter***

4. Claims 1-23 are allowed.

**The following is an examiner's statement of reasons for allowance:**

5. Independent Claims 1, 11 and 23 are allowable because none of the prior art of record disclose a spark gap for protecting an electrical circuit from voltage surges or a method of forming a spark gap for protecting an electrical circuit from voltage surges, wherein the spark gap located between two electrical circuit traces with width being of size to provide desired breakover voltage and with gap length being of a size that maximizes spark gap life over repeated discharge cycles without introducing undesirable amounts of capacitance in combination with the other claim limitations.

Claims 2-10 and 12-22 are dependent on allowable claims 1 and 11 and therefore allowable.

***Comments to reasons for allowance***

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 ext 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Benenson  
Examiner  
Art Unit 2836

B.B.

*Stephen W. Jackson*  
6-8-06

STEPHEN W. JACKSON  
PRIMARY EXAMINER